IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No.17663 of 2006

Date of decision: November 09, 2006

Nirmla .....Petitioner

Versus

State of Haryana and Ors. .....Respondents

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA
HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Mr. M.S. Bedi, Advocate for
Mr. Harnek Singh, Advocate
for the petitioners

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ASHUTOSH MOHUNTA, J (Oral)

The petitioner has prayed that a writ in the nature of mandamus be issued directing respondent Nos. 2 to 4 to vacate the land, which is alleged to be in the illegal possession of some of the villagers as the land in dispute is a street and pond.

In case, the petitioner wants the eviction of certain persons as they are alleged to be in unauthorized occupation of the land, then the petitioner has the remedy to file appropriate petition for their eviction before the competent Court.

Apart from above, a perusal of the order dated 07.10.2005 (Annexure P-2), passed by the Deputy Development and Panchayat officer, Mudlana, shows that the illegal possession over the street has already been removed on 24.08.2005. Even, the illegal possession of certain persons over

the pond has been taken over under the order of the Tehsildar, Gohana. Hence, there is no ground to order the eviction of any person especially in the absence of any illegal encroacher being made a party in the present case.

No merit. Dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

(NIRMAL YADAV)
JUDGE

November 09, 2006
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